

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLARK KENT JONES,

Plaintiff,

v.

Case No. 2:11-cv-12560

SAVITHRI KAKANI, DARRELL L. BRADY,
JOSEPH M. PAINTER, and JANE DOE,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTIONS TO AMEND THE COMPLAINT AND
DIRECTING PLAINTIFF TO SUBMIT COPIES OF THE AMENDED COMPLAINT**

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Clark Kent Jones is a state prisoner at the Michigan Reformatory in Ionia, Michigan. On June 13, 2011, Plaintiff filed a complaint against Promedica Health System-Bixby Medical Center, an unknown medical employment service or agency, Savithri Kakani, Darrell L. Brady, Joseph M. Painter, and a person identified only as Jane Doe.

Plaintiff alleged in his complaint that he was not informed of the surgical complications and risks before a biopsy was performed on him in 2009. He claimed that he was not a proper candidate for a biopsy and that the exploratory surgery was unnecessary, unauthorized, and unwarranted. He asserted that the individual defendants deprived him of competent and adequate medical treatment and that they were deliberately indifferent to his serious medical needs.

On August 4, 2011, the court dismissed Promedica Health System-Bixby Medical Center and the unnamed medical employment service or agency. In the same order, the court directed Plaintiff to file an amended complaint by September 6, 2011.

On August 31, 2011, Plaintiff filed an amended complaint and a motion to amend the complaint to add two state law claims. The amended complaint names the four individuals sued in the original complaint, and it includes two new state law claims, which allege that Defendants were grossly negligent in their treatment of Plaintiff and that they are liable for subjecting Plaintiff to emotional distress. The new state law claims and the federal claims “derive from a common nucleus of operative fact.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1966). Accordingly,

On October 4, 2011, and on October 7, 2011, Plaintiff filed two additional motions to amend the complaint. Those motions seek to substitute medical technician Tim Schubert for the defendant previously identified as “Jane Doe, health care provider.” “[W]hen the substance of a *pro se* civil rights complaint indicates the existence of claims against individual officials not specifically named in the caption of the complaint, the district court must provide the plaintiff with an opportunity to amend the complaint.” *Donald v. Cook County Sheriff’s Dep’t*, 95 F.3d 548, 555 (7th Cir. 1996). The court will therefore grant the motions. The amendment relates back to the date of the original pleading because it merely changes the name of the party against whom a claim was asserted in the original pleading and because the party will receive notice of the claims against him upon service of the complaint. Fed. R. Civ. P. 15(c)(1)(C).

Plaintiff is indigent and, therefore, is entitled to have his amended complaint served on Defendants. Fed. R. Civ. P. 4(c)(3). Plaintiff has thus far, however, failed to

submit enough copies to serve on the various Defendants. The court will order Plaintiff to do so or risk dismissal of this action.

IT IS ORDERED that the motion to amend the complaint to add the two state law claims [Dkt. # 14] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motions to amend his complaint to substitute Tim Schubert for "Jane Doe" [Dkt. ## 19, 20] is GRANTED.

Plaintiff is further DIRECTED to file an amended complaint, incorporating all of the approved amendments, by **November 11, 2011**. Plaintiff must also submit enough copies to serve on each Defendant. If Plaintiff does not comply with this directive by **November 11, 2011**, his complaint will be dismissed for lack of prosecution.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 26, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522